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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,678

06/25/2003

Michio Seki

04329.3081

1969

22852

7590

06/05/2007

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EXAMINER

NGUYEN, DUSTIN

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

06/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/602,678	Applicant(s) SEKI ET AL.	
	Examiner Dustin Nguyen	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/25/03,04/18/05,03/12/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 8, 9 and 14 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. [ US Patent Application No 2002/0062392 ], in view of Sasaki et al. [ US Patent No 4,825,209 ].

4. As per claim 8, Nishikawa discloses the invention as claimed including a server apparatus [ i.e. AV system network ] [ 20, Figure 1; and paragraphs 0029 and 0030 ] comprising:

a network process unit configured to connect an electronic apparatus [ i.e. communication controller ] [ 50, Figure 2; and paragraph 0034 ], which transmits/receives data via a first network, to a second network through the server apparatus [ i.e. backbone system network and AV system network ] [ 12, 24, Figure 1; and paragraphs 0039 and 0054 ]; and

an AV function unit configured to process video data and sound data [ i.e. TV, VCR ] [ 26, 28, Figure 1; and paragraphs 0030 and 0031 ].

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Nishikawa does not specifically disclose

the network process unit switching a control unit configured to change an operation of the AV function unit functional module between a status normal operation mode and a standby mode serving to reduce power consumption, when the network process unit receives, from the electronic apparatus, a command requesting that the operation of the AV function unit be changed.

Sasaki discloses

the network process unit switching a control unit configured to change an operation of the AV function unit functional module between a status normal operation mode and a standby mode serving to reduce power consumption, when the network process unit receives, from the electronic apparatus, a command requesting that the operation of the AV function unit be changed [ i.e. input or pushbutton the operating command to turn ON/OFF VTR ] [ Abstract; col 2, lines 3-8; and col 5, lines 27-65 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Nishikawa and Sasaki because Sasaki's teaching of the operating command to turn ON/OFF VTR would enable to remotely maintain and control the power state of devices.

5. As per claim 9, Nishikawa does not specifically disclose wherein, upon switching of operation of the AV function unit, the network process unit notifies the electronic apparatus that the operation of the AV function unit has been switched. Sasaki discloses wherein, upon switching of operation of the AV function unit, the network process unit notifies the electronic

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apparatus that the operation of the AV function unit has been switched [ i.e. makes a display to indicate that the power for the controlled device ] [ col 5, lines 66-col 6, lines 33 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Nishikawa and Sasaki because the teaching of display the power indicating would enable the user to see the operation status display and to confirm that the remote controlled device has been properly put in operation as well as the operating condition of the device [ Sasaki, col 2, lines 65-67 ].

6. As per claim 14, it is rejected for similar reasons as stated above in claim 1. Furthermore, Nishikawa does not specifically disclose the network process unit including a detecting unit configured to detect a power supply control packet in communication packets sent from the electronic apparatus. Sasaki discloses the network process unit including a detecting unit configured to detect a power supply control packet in communication packets sent from the electronic apparatus [ i.e. a code specifying that the device is to be controlled and the operating command is turning on/off of the power ] [ 3a, 3b, 13b, Figure 1; and col 5, lines 47 col 6, lines 10 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Nishikawa and Sasaki because Sasaki's teaching of the operating command to turn ON/OFF VTR would enable to remotely maintain and control the power state of devices.

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7. Applicant's arguments with respect to claims 8, 9 and 14 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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A handwritten signature in black ink, appearing to read 'Dustin', with a long horizontal stroke extending to the right.